

## REQUEST FOR COUNCIL ACTION

135 /  
MEETING

DATE: 11-17-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-8</b>
ITEM DESCRIPTION: Utility Easement Vacation Petition #03-08, by Richard Martin and Lynette Oehlke-Martin to vacate the east 7 feet of the 15 foot utility easement reserved over, above and below the vacated alley right-of-way adjacent to Lot 23, Block 1 Flather's Addition. The property is located west of 14 <sup>th</sup> Ave. SW and north of 6 <sup>th</sup> St. SW.		PREPARED BY: Brent Svenby, Planner

November 13, 2003

**Planning Department Recommendation:**

See attached staff report dated November 13, 2003. Staff recommends approval of the vacation petition as requested.

**Council Action Needed:**

- Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as submitted.

**Attachments:**

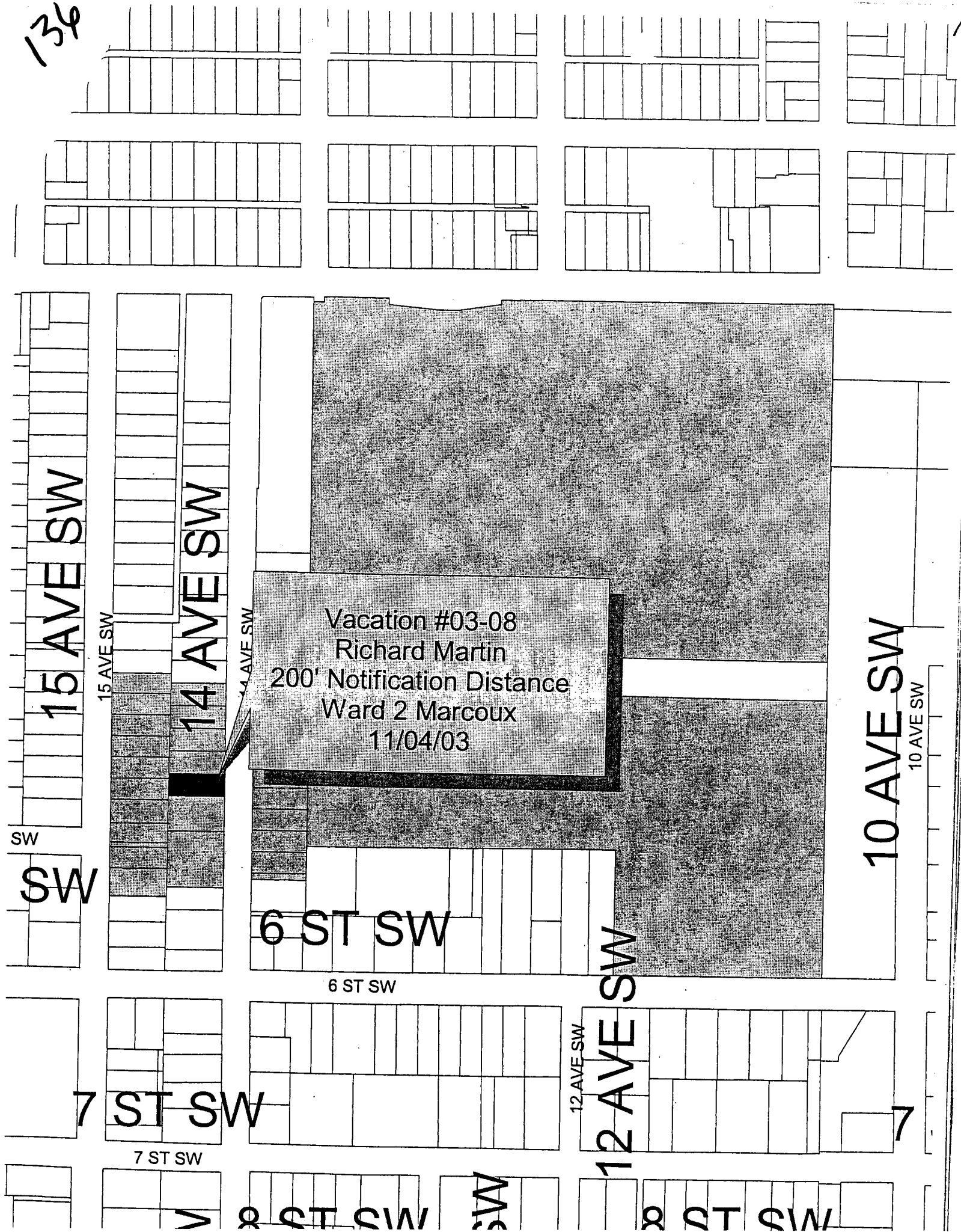
- Staff Report dated November 13, 2003.

**Distribution:**

- City Administrator
- City Attorney: Copy of legal description is attached
- Planning Department File
- Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, November 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

134



137

# CERTIFICATE OF SURVEY

DESCRIPTION (PROVIDED BY CLIENT):

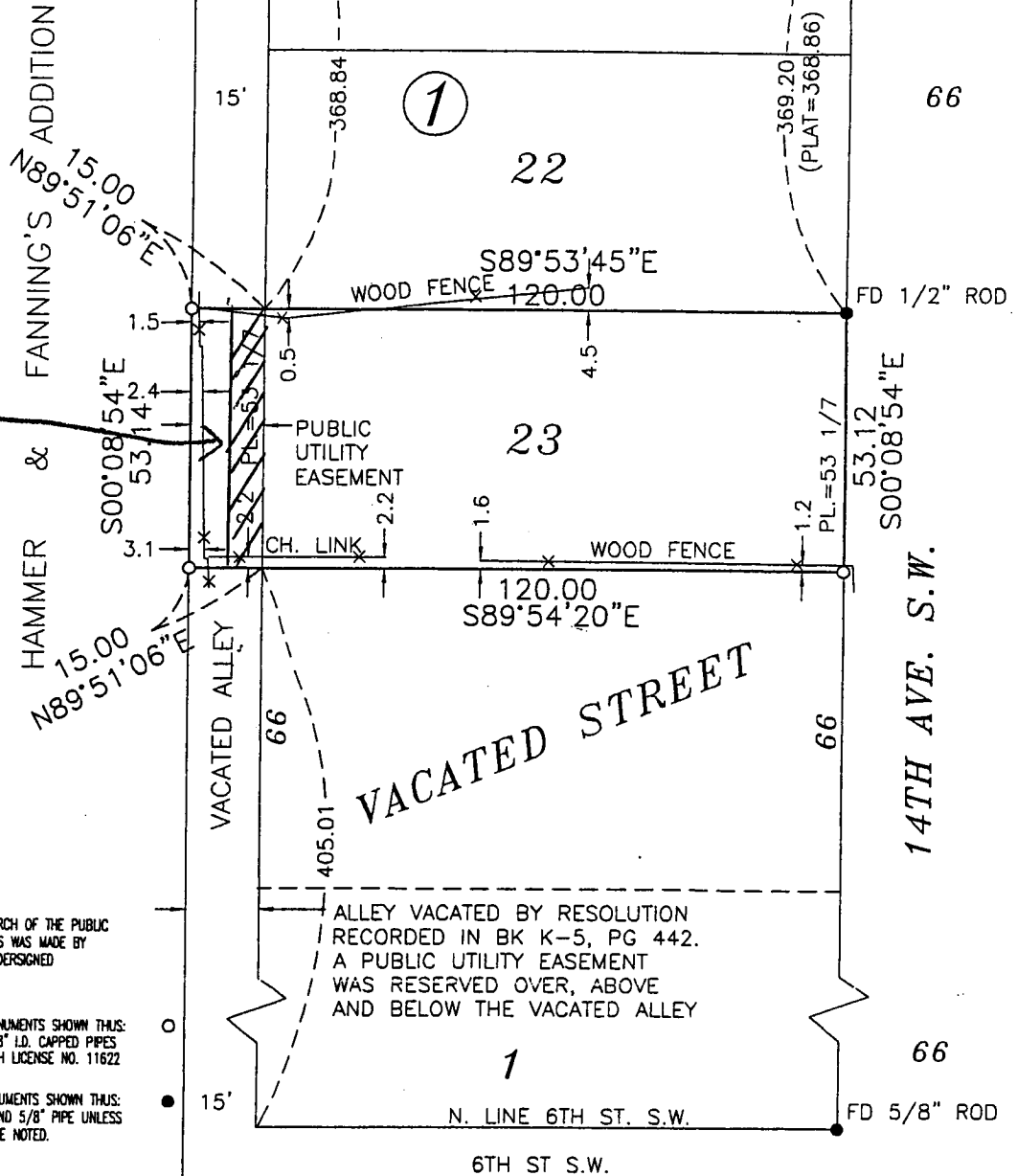
Lot 23, Block 1 and that part of the vacated alley adjacent to said Lot 23, all in FLATHER'S ADDITION, Rochester, Minnesota.

FD 5/8" I.P.

FD 1/2" ROD

LOCATION

SCALE 1" = 30'



NOTE:  
NO SEARCH OF THE PUBLIC  
RECORDS WAS MADE BY  
THE UNDERSIGNED

NOTE:  
ALL MONUMENTS SHOWN THUS:  
ARE 5/8" I.D. CAPPED PIPES  
SET WITH LICENSE NO. 11622

ALL MONUMENTS SHOWN THUS:  
ARE FOUND 5/8" PIPE UNLESS  
OTHERWISE NOTED.

ALLEY VACATED BY RESOLUTION  
RECORDED IN BK K-5, PG 442.  
A PUBLIC UTILITY EASEMENT  
WAS RESERVED OVER, ABOVE  
AND BELOW THE VACATED ALLEY

I hereby certify that this survey, plan, or report  
was prepared by me or under my direct supervision  
and that I am a duly Licensed Land Surveyor  
under the laws of the State of Minnesota.

*James E. Swanson*  
JAMES E. SWANSON

DATE: 8-29-03  
LICENSE NO.: 11622

FOR:

LYNETTE MARTIN  
441 14TH AVENUE S.W.  
ROCHESTER, MN 55902

Land Surveying  
Urban-Land  
Planning  
Consulting - Civil  
Engineering

McGhie



Geotechnical  
Engineering  
Construction Material  
Testing  
Landscape  
Architecture

1648 Third Avenue S.E.  
Rochester, MN 55904  
Telephone 507.258.2818  
Facsimile 507.258.7333

Betta, Inc.

email: mkt@mcghie.com

SCALE: 1" = 30'

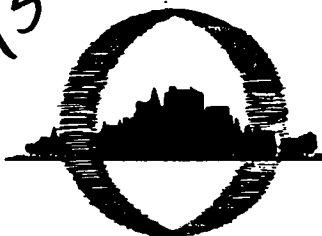
DRAWN BY: MMM

DATE: 08/27/03

ACCT. NO.: 7332/3382 Cadd No. 3382CT

FILE NO.: BK. PG.

138



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO:** City Planning and Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** November 13, 2003

**RE:** Utility Easement Vacation Petition #03-08, by Richard Martin and Lynette Oehlke-Martin to vacate the east 7 feet of the 15 foot utility easement reserved over, above and below the vacated alley right-of-way adjacent to Lot 23, Block 1 Flather's Addition. The property is located west of 14<sup>th</sup> Ave. SW and north of 6<sup>th</sup> St. SW.

### Planning Department Review:

**Petitioner(s):** Richard Martin  
Lynette Oehlke-Martin  
441 14<sup>th</sup> Avenue SW  
Rochester, MN 55902

**Reason to Vacate:** The applicant is proposing to vacate the east 7 feet of a 15 foot wide utility easement dedicated over a vacated alley formally adjacent to Lot 23, Block 1 Flather's Addition to accommodate rebuilding the garage further back on the lot.

**Referral Comments:** We received no objects to request.

**Report Attachments:**

1. Location Map
2. Vacation Petition
3. Easement to be Vacated

### Staff Recommendation:

Staff has reviewed this request and received no negative comments from the referral agencies. In 1992 the alley adjacent to this lot was vacated however a utility easement was reserved over, above and below the vacated alley. Staff is recommending approval of the requested utility easement vacation.



Date:

10/16/03

To:

Mayor and Common Council  
City Hall  
City of Rochester, Minnesota

## Petition to Vacate Public Right-of-Way or Utility Easement

We, the undersigned, are the owners of the following described property located within the City of Rochester, Minnesota, and we constitute 50% or more of the owners of the property on the line of the public property herein described to be vacated: (Describe here or attach a separate list showing the legal description and full ownership of each adjoining parcel).

Owner's Names (If in joint tenancy, both or all parties must sign)

Legal Description

Richard Martin  
Lynette Oehlke-Martin

Lot 23 Block 1 and that  
part of the vacated alley  
adjacent to said Lot 23  
all in Flather's Addition,  
Rochester, MN

We hereby petition the Common Council of the City of Rochester, Minnesota to vacate the following described public property:

The east 7 feet of the 15 foot alleyway vacated  
adjacent to lot 23.

The facts and reasons for such vacation are as follows:

1. As 14<sup>th</sup> Ave SW by St. Mary's Hospital is an extremely busy road, we would like to add a "turn around" to our driveway in order to most safely exit our property.
3. To achieve this we must rebuild the garage further back on the property.

